

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
JUNE 10, 2003
DRAFT**

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Pastor Ralph Whitestone of Gray Memorial Methodist Church at the invitation of Commissioner Winchester. It was followed by Pledge of Allegiance to the Flag.

Awards and Presentations

- Resolution to Lonnie Rackley, Jr. celebrating 30 years of dedicated service as an "Ambassador of Goodwill for the Tallahassee Parks and Recreation Department. Mr. Rackley, his wife, Janie Kelley and friends were present.
- Resolution to Billy Holder in recognition of "Celebrate America" for the Fourth of July Celebration. Mr. Holder presented the Board with a plaque demonstrating his appreciation for their support, and gift bag and chair were given to the Chairman. Kristin Black, representing Tri-Eagle Sales; Mike Fields and Shelley Patterson from Bank of America were present (sponsors). A gift bag and chair were presented to the Chairman

Consent

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 7-0 to approve the following Consent Agenda with the exception of Item 3 which was addressed as described:

1. Approval of Payment of Bills and Vouchers Submitted for June 10, 2003 and Pre-approval of Payment of Bills and Vouchers for June 11 through June 23, 2003

The Board approved Option 1: Approve payment of bills and vouchers submitted for June 10, 2003 and pre-approval of payment of bills and vouchers for June 11 through June 23, 2003: \$6,067,905.82

2. Consideration of Participation of Florida Department of Revenue's Tax Amnesty Program

The Board approved Option 1: Do not authorize participation in the Tourist Development Tax Amnesty Program.

3. Approval of Salary Adjustment for the Tourist Development Executive Director Position

Commissioner Maloy pulled this item and asked if the TDC was following County policies as it relates to personnel matters and other policies. County Administrator Alam responded in the affirmative and explained that TDC falls within the County's personnel policies. The TDC Director reports to the TDC and the TDC reports to the County Commission. Commissioner Maloy wanted to know what the policy was for salary increases and emphasized the importance of adhering to policy. He noted that the proposal involves a 27% salary increase for the TDC Director. Mr. Alam advised that normally an increase for Senior Management is 0% - 8% based on their evaluation although sometimes someone is hired below the pay grade and then after six months the Board adjusts their pay which is usually 5% adjustment. Commissioner Winchester explained that the executive director position was filled under extenuating circumstances; he was paid a lower salary when hired and needed to prove himself and the Board reserved the right to reevaluate the salary, which they did. Based on his performance, the recommendation is to approve the increase, which brings his salary up to what is typically paid for that position.

Following some discussion, Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried unanimously, to approve Option 1: Approve salary adjustment for the Tourist Development Council (TDC) Director position to \$69,000 annually.

4. Approval of Bylaws for the Tourist Development Council (TDC)

The Board approved Option 1: Approve the Bylaws for the TDC. See attached:

5. Acceptance of FY 02/03 Second Quarter Status Report for the Tourist Development Council (TDC)

The Board approved Option 1: Accept the Second Quarter, FY 2003 Status Report for the TDC. See attached:

6. Request to Schedule a Workshop and Presentation by the Florida Stormwater Association on the Department of Environmental Protection's New "Total Maximum Daily Loads" Water Quality initiative for Tuesday, June 24, 2003 from 1:00 – 2:30 p.m.

The Board approved Option 1: Approve the workshop described above for Tuesday, June 24, 2003 at 1:00 – 2:30 p.m.

7. Request to Cancel the June 24, 2003 Workshop on the Redevelopment of the Leon County Fairgrounds (Market Feasibility Study Results) and Reschedule at a Future Date

The Board approved Option 1: Approve the request to cancel the workshop and reschedule at a future date.

8. Approval to Submit the Grant Application for the 2004 Byrne Drug Control and System Improvement Grant

The Board approved Option 1: Approve the submittal of the grant application for the 2004 Byrne Drug Control and System Improvement Grant.

9. Ratification of Actions Taken at the Emergency Medical Services Workshop held on May 27, 2003

The Board approved Option 1: Ratify the actions taken at the Emergency Medical Services Workshop held on May 27, 2003: See attached:

10. Adoption of Background Investigation Policy and Approval of Revisions to the Leon County Policies and Procedures Section III – Recruitment, Selection, and Appointment and Section VIII – Changes in Positions

The Board approved Options 1 and 2: 1) Adopt the Background Investigations policy to be added to the Board's policies under Section 11: Human Resources (Personnel); 2) Approve the proposed additions to the Leon County Personnel Policies and Procedures Manual.

11. Adoption of Violence Prevention and Intervention Policy and Approval of Revisions to the Leon County Personnel Policies and Procedures: Section II – Employee Conduct

The Board approved the Violence Prevention and Intervention policy to be added to the Board's policies under Section 11: Human Resources (Personnel). See attached:

12. Approval of Resolution and Budget Amendment for Acceptance of Participation Funds for the LiDAR Acquisition Project

The Tallahassee-Leon County Geographic Information System (TLC GIS) seeks Board authorization of a budget amendment and resolution for acceptance of participation funds, from the City and Blueprint 2000 for the LiDAR Acquisition Project. The Board approved Option 1: Approve the attached budget amendment and resolution for acceptance of participation funds for the LiDAR Acquisition Project:

13. Schedule Public Hearings on the Proposed Inclusionary Housing Ordinance for June 24, 2003 at 6:00 p.m. and July 8, 2003 at 6:00 p.m.

The Board approved Option 1: Schedule public hearings on June 24, 2003 at 6:00 p.m. and July 8, 2003 at 6:00 p.m. to consider adoption of Inclusionary Housing Ordinance.

14. Ratification of Board Action Taken at Workshop on Gaines Street Presentation held on May 20, 2003

The Board approved Option 1: Ratify Board action from May 20, 2003 workshop accepting the presentation on the Gaines Street 30% design. See attached:

15. Ratification of Actions Taken at the Zone 4, Development of Capital Cascades Greenway Workshop held on May 20, 2003

The Board approved Option 1: Ratify Board action taken at the May 20, 2003 Zone 4 Development of the Capital Cascades Greenway Workshop to develop an agreement between Trust for Public Land and Leon County to provide consulting services through Greenways Incorporated for planned development of Zone 4 of the Capital Cascades Greenway at no cost to Leon County, and include a Capital Improvement Project request in the FY ¾ budget to provide trails and recreation enhancements.

16. Adoption of Resolution and Approval of Tri-Party Railroad Agreement for Highway Grade Crossing Traffic Control Devices for Chaires Road Between the Florida Department of Transportation, CSX Transportation, Inc. and Leon County

The Board approved Option 1: Adopt the attached resolution R03- and approve the execution of the Tri-Party Reimbursement Agreement allowing installation of upgraded railroad crossing signals at the Chaires Road railroad crossing.

17. Consideration of Proposed Revisions to Leon County's Temporary Use Regulations

This agenda item is an update on staff's review of the County's temporary uses regulations as they relate to temporary events of public interest, and to request approval to proceed with the ordinance adoption process. The Board approved Option 1: Authorize staff to present the proposed revisions to the Planning Commission for a Comprehensive Plan consistency determination, and schedule the required public hearings to consider adoption of the recommended revisions to the County's temporary uses regulations.

18. Consideration of the Application and Review Fees Associated with the Re-submittal of the Proposed Seminole Raceway Type B Site and Development Plan

This agenda item is to provide information to the Board regarding the application and review fees associated with the re-submittal of the proposed Seminole Raceway Type B Site and Development Review Committee (DRC). The Board approved Option 1: Accept the staff report on the application and review fees associated with the re-submittal of the Seminole Raceway site plan. (See Citizens to Be Heard at end of the meeting where Mr. Elmer Sheffield addressed the Board and the waived the \$2,050 resubmittal fee.)

19. Approval of Travel Expenses for Commissioner Maloy to Attend the Florida Association of Counties' (FAC) Annual Conference in Orlando, Florida from June 17 – 20, 2003

The Board approved Option 1: Approved the travel request as requested.

20. Approval of Travel Expenses for Commissioner Sauls to Attend the Florida Association of Counties' (FAC) Annual Conference in Orlando, Florida from June 17 – 20, 2003

The Board approved Option 1: Approve the travel request as requested.

21. Approve of Travel Expenses for Commissioner Proctor to Attend the Greater Tallahassee Chamber of Commerce Community Conference in Panama City Beach, Florida from July 10 – 13, 2003

The Board approved Option 1: Approve the travel expenses as requested.

Citizens to Be Heard on Non-agendaed Items (3-minute limit; non-discussion by Commission)

Reverend William Foutz, 6504 N. Meridian Road, President of Paramore Homeowners Association, referred to Comprehensive Plan Amendment #3 (Amendment #2003-M-003) which will be finalized on June 12, 2003 at a joint public hearing. He explained that the residents oppose the amendment since the residents have not had an opportunity to do their "homework" and look at impacts of the proposed amendment such as traffic congestion. He explained that the residents have septic tanks and the City proposes sewer in the adjacent area but

none will be available to Paramore Estates. He stated that apparently one person purchased a large tract of property and did not talk with the residents about proposed changes in the Comp Plan amendment that would affect the neighborhood. Reverend Foutz requested that the County oppose the amendment until the residents can investigate the impacts. He voiced opposition to the City in their attempts to gradually pull Paramore Estates into the City. The Board advised that the issue would be discussed on Thursday, June 12th at 6:00 p.m. at City Hall during the Joint Public Hearing on Cycle 2003-2 Comprehensive Plan Amendments.

General Business

22. Reconsideration of Previously Approved Continuous Supply Contract for Lead-Based Paint Testing to MIHIR Environics, Inc.

This item seeks reconsideration, at the Chairman's request, of the Board's approval to award a continuous supply contract to MIHIR Environics, Inc. for lead-based paint testing. The Board approved award of the contract on May 13, 2003.

Chairman Grippa voiced concerns that it was an open-ended contract and did not include a specific amount, which was the reason he did not sign the contract. County Administrator Alam explained the process for continuing supply contracts and pointed out that this is lead-based testing for SHIP Housing and they would not know how many homes would need to be tested.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, to approve Option 1: Reaffirm the approval of the award of the continuous contract for lead-based paint testing to MIHIR Environics, Inc.

23. Consideration of Request for Proposals for Property Management Services

This item requests Board approval to issue a resolicitation of Request for Proposals for property management services through June 12, 2003 at 5:00 p.m. due to receiving only one responsive bidder. The County Administrator pointed out that pursuant to the Purchasing Policy, if less than three bids are received, the Purchasing Director may resolicit.

Commissioner Proctor moved and was duly seconded by Commissioner Winchester to negotiate with the one bidder who was in compliance (Atlantis Real Estate Services). If negotiations are not successful, then it would go out to RFQ.

Rick Bateman stated that Atlantis was the bidder that responded on time and urged the Board to follow the rules and approve Option 2 (Direct staff to proceed with the consideration of the proposal received (Atlantis Real Estate Services).

Keith Roberts, Purchasing Director, explained the two instances where the Board waived the time frame for receiving a bid proposal.

Commissioner Rackleff moved a substitute motion, seconded by Commissioner Maloy to approve Option 1: Find it in the best interest of Leon County and approve the issue of a resolicitation of Request for Proposals (RFP) for property management services through June 12, 2003 at 5:00 p.m.

Following some discussion, Commissioner Rackleff withdrew his substitute motion.

Commissioner Proctor stated that when the Board negotiates with Atlantis (the one RFP that was received) and it does not meet minority participation requirements, the Board should reissue RFP.

County Attorney Thiele explained that if negotiations are not successful, the County could reissue the RFP.

The original motion on the floor carried unanimously, 7/0.

The Board then entered Public Hearing Item 30.

24. Approval of Joint Participation Agreement with the Florida Department of Transportation to Allocate \$50,000 of Tree Bank Funds to Provide Additional Landscaping on Kate Ireland Parkway (North Thomasville Road)

This item seeks Board approval to enter into a Joint Participation Agreement with FDOT to allocate \$50,000 of Tree Bank funds to provide additional landscaping on Kate Ireland Parkway (north of Thomasville Road).

Scott Ross, GEM, responded to the Board's inquiries and advised that Landscaping for Crawfordville Highway would be the next project. He also explained that there was \$186,000 left in the Tree Bank; with \$50,000 for the Kate Ireland Highway, there would be \$136,000 remaining.

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Approve entering into a Joint Participation Agreement with the Florida Department of Transportation to allocate \$50,000 of Tree Bank funds for the purchase and installation of trees for additional landscaping on designated portion of Kate Ireland Parkway.

25. Consideration of the Voluntary Annexation of Property on West Tharpe Street

This item is Board review of the voluntary annexation proposal from the city to annex one parcel containing approximately 18 acres, Parcel Identification Number 21-19-20-401-000-0. It is located between West Tharpe Street and Northwest Passage.

County Attorney Thiele advised that he recommended denial since the annexation would create an enclave. It was noted that one-half of the parcel is in the County and one-half is in the City. The Chairman pointed out that the property owner, Mr. Ghazvini would like to have the property within one jurisdiction.

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 2: Do not object to the annexation of the property.

26. Consideration of the Voluntary Annexation of Property in the Southern Triangle

This item involves Board review of the voluntary annexation proposal from the City to annex three areas in the southern quadrant of Tallahassee west of the Woodville Highway, east of Crawfordville Road, and north of Capital Circle, S.W. These three areas are: 1) Woodville Highway/Crossway and Ross Roads revised #02-0-76; 2) Woodville/Shelfer road Revised #02-0-74; 3) Crawfordville/Shelfer Roads Revised #02-0-75.

Commissioner Rackleff moved and was duly seconded by Commissioner Maloy to approve Option 2: Approve the City annexation of the property at: 1) Woodville Highway/Crossway and Ross Roads revised #02-0-76; 2) Woodville/Shelfer road Revised #02-0-74; 3) Crawfordville/Shelfer Roads Revised #02-0-75.

The Board engaged in discussion as to whether the or not commercial properties would be able to hook up to sewer or would have to have septic tanks.

Ed Cornelious, 3686 Woodville Hwy, Southern Triangle Coalition, spoke on the issue and voiced opposition. He remarked that the annexation would cause a serpentine or swiss cheese effect.

Alan Ballas, 428 Crossway Road, indicated opposition to portions of the proposed annexation and discussed sewer hookups; he indicated that he and other residents supported Mr. Ghazvini's part of the annexation proposal. He also gave an overview of the City's attempts to annex the areas.

Commissioner Sauls recommended continuing this item.

Following a lengthy discussion, Commissioner Rackleff withdrew his motion and moved, seconded by Commissioner Maloy to continue the item to the June 24, 2003 Board meeting.

Commissioner Thael recommended that the parties meet and attempt to resolve their concerns.

Commissioner Sauls moved a substitute motion, seconded by Commissioner Proctor to bring back the issue at the end of the meeting and in the interim the parties can meet and try to resolve the issue. The motion carried unanimously, 7/0.

Later in the meeting the Board resumed discussion of this agenda item.

David McDevitt explained that the GIS map (attachment 2, page 5 of 83) was from an older agenda item and properties 1 (Capital Circle WW/Deloney, Price, & Birdwell) and 2 (Shelfer/Crossway Roads) should not be included in this agenda item. On the map, only #3 ((Woodville Hwy/Crossway & Ross Roads); #4

(Woodville Hwy/Shelfer Roads); and #5 (Crawfordville/Shelfer Roads) are the subject of this agenda item.

Commissioner Proctor moved, seconded by Com Sauls, to not object to the voluntary annexation of that part of Tract 3 (4 parcels owned by Mr. Ghazvini), provided that a new signed petition for voluntary annexation is obtained from the owner of the property between the four parcels; and to object to the rest of the annexation. The motion carried 6 – 1 (Commissioner Rackleff voted in opposition.)

(Referring to the GIS Map and for clarification, the Board objected to #4 and #5 as did the residents; the Board would not object to #3 if Mr. Ghazvini could convince the owner of the property to supply newly signed annexation petitions. The item would be reagendaed.

(The three sites listed in the agenda correspond to the GIS Map as follows: **Area 1** is the site that Mr. Ghazvini and property owner would bring back if new petition is signed.

Area 2 and 3 are equal to map items 4 and 5 which the Board and citizens objected to.

See attached GIS Map:

(Commissioner Winchester referred to Item 34 Public Hearing re: Gateshead 2/3 – 2/3 Project; indicated that an affected party was not able to be here when the item was approved. See item under “Commission Discussion Items”)

27. Adoption of Revisions to Policy No. 02-11, *Flooded Property Acquisition Program*

The existing Board policy for flooded acquisition requires modification to address the conditions of extended isolation flooding, where homes are inaccessible due to standing or flowing flood water.

Commissioner Thael suggested that criteria listed in the policy (Household Competition) for elderly include a specific age and asked how “severe medical problems” would be determined. Teresa Hieker, Stormwater Engineer, advised that the age is 62 years for elderly and that “severe medical problems” and “handicapped” would be determined by documentation from a doctor, social security disability, and other means.

It was noted that the language would be changed in the proposed policy under “Properties affected by isolation flooding will be ranked based upon criteria provided. . . .”

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Grippa and Proctor were out of the Chambers), to approve Option 1: Adopt the attached *Flooded Property Acquisition Program Policy*:

28. Acceptance of the Report on the Determination of a Pro Rata Share for a Proposed Cloudland Drive 2/3 – 2/3 Paving Project and Approval to Develop a Capital Improvement Project During the FY ¾ Budget Cycle to Provide for Design and Construction of the Stormwater Project

This agenda item provides additional information requested by the Board on May 13, 2003 regarding Board acceptance of staff's report on the determination of a pro rata share for a proposed Cloudland Drive 2/3-2/3 Paving Project as requested by the Board. The item involves whether the County should accept responsibility for a stormwater project to relieve the Cloudland Drive and vicinity residents' going forward with a 2/3-2/3 project for roadway improvements at the same time as the stormwater project.

Dr. Charles Smith, 3039 Cloudland Drive, discussed the flooding issues that he has encountered over the past 20 years and requested the Board's support.

Commissioner Rackleff engaged in discussion regarding the policy and stated that the County does not have a consistent policy, standards or criterion for this type of project. He pointed out that it should be predictable and fair to all citizens.

Joe Brown, Public Works Chief Engineer, responded to the Board's questions and explained that the stormwater project would not be done if the homeowners decide to not do the Cloudland Drive 2/3- 2/3 project.

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried 6 – 1 (Commissioner Rackleff voted in opposition), to approve Options 1 and 2: 1) Accept the May 13, 2003 report on the determination of a pro rata share for a proposed Cloudland Drive 2/3-2/3 Paving Project, which includes road paving in the amount of \$153,200 to be funded by the Cloudland Drive property owners and County-funded stormwater project in the amount of \$288,000 for a total estimated cost of \$441,200; 2) Direct staff to develop a Capital Improvement Project during the ¾ budget cycle in the amount of \$288,000 to provide for design and construction of the stormwater project identified herein.

29. Board Reconsideration of Rescheduling the June 16, 2003 Blueprint 2000 Intergovernmental Agency (IA) Meeting and MPO Meeting of Same Date

Chairman Grippa requested that the Board consider rescheduling the Blueprint 2000 IA meeting and the MPO Meeting on June 16, 2003 to another date since he was going to be out of town. He advised that City Commissioner Katz would also not be able to attend. Commissioner Winchester stated that he was also going to be out of town.

Commissioner Rackleff, Chairman of the IA stated that he has attempted twice to have the meetings changed but the City Manager advised that the City Commissioners could not meet on another day.

Commissioner Winchester moved and was duly seconded by Commissioner Sauls to meet on another agreed upon day by the City and County.

The Board debated the issue and some Commissioners indicated that it was unusual that the City could not schedule another day in June to meet.

Chairman Grippa debated the issue and indicated that an issue was coming up on the agenda regarding the bid for Genesis Group and City Commissioner Lightsey and Commissioner Rackleff preferred that he was not present. Commissioner Rackleff disputed the allegation and indicated that the meeting was scheduled far in advance, that there was ample time to make arrangements to attend, and that there was no conspiracy involved.

Chairman Grippa requested that the motion be withdrawn and advised that he would return from out of town, at his own personal expense, to attend the meetings.

Public Hearing

30. First and Only Public Hearing on the Establishment of a Municipal Services Taxing Unit (MSTU) for Emergency Medical Services (Ambulance Services)

Pursuant to legal advertisement, a public hearing was conducted to consider establishment of the Emergency Medical Services (EMS) Municipal Services Taxing Unit (MSTU). The purpose of the ordinance is to allow funding alternative for the provision of EMS in Leon County

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried 5 – 2 (Commissioners Grippa and Proctor voted in opposition), to approve Option 1: Conduct the first and only public hearing authorizing the creation of the Leon County Emergency Medical Services Municipal Services Taxing Unit (MSTU). See attached Leon County Ordinance Number 03-15:

31. First and Only Public Hearing to Amend Section 10-923, Leon County Code of Laws, to Require "Type A" Landscape Buffers Between One-Family, Single-Family Residential Developments and Between Two-Family and One-Family Single-Family Residential Developments

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to approve Option 1: Conduct public hearing and adopt the attached Ordinance No. 03-16 amending Section 10, *Leon County Code of Laws*, to require "Type A" landscaped buffers between one-family, single-family residential developments and between two-family and one-family, single family residential developments.

32. Continuation of Public Hearing on Abandonment of a Sixty-Foot Undeveloped Right-of-Way, Located on the South Side of Whitehouse Road, Approximately 900 feet south of Capital Road

Pursuant to the following legal advertisement, a public hearing was conducted.

Commissioner Maloy moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to approve Options 1 and 2: 1) Conduct the public hearing to vacate, abandon, and renounce the right-of-way of the sixty-foot undeveloped right-of-way, located on the south side of Whitehouse Road, approximately 900 feet south of Capitola Road; 2) Adopt the attached Abandonment Resolution R03-20:

33. Public Hearing on a Rezoning Application, Implementing Future Land Use Plan Map Amendment Request in the Perkins Road Closed Basin

Mike Maida, 4083 Roweling Oak Court, appeared and spoke about the agreement that was reached between homeowners, property owners, and the County in May 1996. He advised that the rezoning was not provided at that time and approval would fix the glitch.

It was noted that as part of implementation of Site Specific Zoning in 1997, the Rowe property in the mixed-use future land use category was rezoned to Commercial 2. Properties fronting on the south side of Perkins Road, including the remainder of Mr. Rowe's property), Roweling Oaks Court, and Maria Circle were inadvertently not rezoned residential preservation at the time consistent with the approved map amendment. Approval of this rezoning would correct the inconsistency.

Commissioner Winchester explained that he has worked with the parties and supported the rezoning.

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Options 1 and 2: 1) Conduct the public hearing on the proposed rezoning Ordinance implementing a future land use map amendment request from Lake Protection to Residential Preservation in the Perkins Road Closed Basin; 2) Advertise the second public hearing on the proposed Ordinance implementing a future land use map amendment request from Lake Protection to Residential Preservation in the Perkins Road Closed Basin for June 24, 2003 at 6:00 p.m.

34. Public Hearing on Adoption of a Non-Advalorem Assessment Roll for the Gateshead Circle 2/3 – 2/3 Project

Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Options 1 and 2: 1) Conduct the public hearing to adopt a non-ad valorem assessment roll for the Gateshead Circle 2/3 – 2/3 Project; 2) Adopt the non-ad valorem assessment resolution. (Later in the meeting, under Commissioner Winchester's discussion items, the Board voted to reconsider this item and also to continue it.)

County Attorney

Add-On Item Re: Adopt a Resolution Requesting the Governor's Veto of SB 676
The County Administrator advised that the bill preempts local authority to regulate transportation facilities and a portion of the language reads: *"Notwithstanding any general law or special act, regulations of any county, municipality, or special district, including any instrumentality thereof, shall not apply to existing or future transportation facilities, or appurtenances thereto, on the State Highway System."*

Commissioner Thael remarked that a number of counties, municipalities, counties and school boards are also adopting similar resolutions. Commissioner Winchester referred to a memorandum that he received from John Kraynak, Environmental Compliance Director, indicated that this directly affects Leon

County such as exempting DOT from lake protection and other stormwater standards on state road projects.

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Option 1: Adopt the attached resolution R03 - requesting the Governor Veto SB 676. The following additional language was suggested by Mr. Kraynak: "Enforcing stormwater ordinances that protect water quality in lakes and rivers could be severely hampered if this bills passes." Commissioner Winchester amended his motion to include the amended language in the resolution, and Commissioner Thael concurred. The amended motion carried unanimously, 7/0. See attached Resolution No. R03-:

Citizens to Be Heard

- a. Elmer Sheffield, 3765 Lakeview Court, appeared and voiced objection to the Seminole Raceway having to go through another review process. He pointed out that the additional fees would have to be paid by Mr. Wimberly (owner of Seminole Raceway) and the DRC (development review committee) has already approved the request since it met the requirements. He stated that this was an issue of fairness. Mr. Sheffield advised that the issues raised by staff in their report on the Site and Development Review Process could easily be addressed without having to go back through another application process

County Attorney Thiele cautioned the Board about discussing the issue since it was still in litigation.

Note comments about Chairman Grippa responding individually about the findings of the report.

Mr. Sheffield continued discussion and addressed some issues that were in staff's report. He pointed out that some of the inconsistencies could easily be addressed and gave some examples:

- the five feet on the end of the strip that extends into the National Forest could be removed. He noted that the return road is not in the National Forest
- The owner is willing to reduce the parking spaces as noted in the report.

The Board indicated that action taken on Agenda Item 18 would require a reapplication fee and the County Administrator recommended reconsidering this item.

Commissioner Winchester moved and was duly seconded by Commissioner Thael to reconsider Item 18. The Board noted that Item 18 was simply to accept staff's report on the on the Seminole Raceway site plan and did not involve the fees.

Commissioner Winchester withdrew his motion and moved, duly seconded by Commissioner Thael to waive the filing fee of \$2,050 for Seminole Raceway.

Commissioner Winchester asked if the site plan could be revised without going back through the DRC process.

Bill Douglass, DEC Engineering, stated that the report from OMB involved 3 basic items that they wanted addressed:

- Parking spaces – the applicant listed the proper number of parking spaces in the plan, but the drawing did not depict all the parking places. He considers this a minor change and would submit revised drawings
- 2) It was stated that DOT would probably not issue a permit for the Raceway (turn lane) – DOT sent a letter indicating that the permit would be issued
- Encroachment of five feet into the wetlands
- Mr. Douglas stated that OMB listed some items that he feels were in the plan as they should be but that OMB missed them
- Mr. Douglas pointed out that he has a letter from GEM indicating that due to the Board's action on May 27, 2003, the County cannot continue

review of the environmental permit. He urged the Board to allow them to submit the minor amendments and continue with the project.

Chairman Grippa asked that the Board be provided with a copy of the list referred to by Mr. Douglas of things that OMB might have missed so the County Administrator can review it. Mr. Douglas responded that he would provide the list tomorrow.

The motion on the floor carried unanimously, 7/0.

Discussion Items by Commissioners

Commissioner Winchester

- a. Thanked the Board for supporting the Cloudland Drive 2/3 – 2/3 and stormwater improvements (Item 28). Chairman Winchester informed Commissioner Rackleff that it was not anything personal, but he was very supportive of the issue.
- b. Recommended reconsidering Public Hearing Item 34 - Gateheads Circle 2/3 – 2/3 Project. The County Attorney explained that one of the property owners has raised some issues that he feels should be considered regarding the assessments.

Commissioner Winchester moved and was duly seconded by Commissioner Rackleff to reconsider the vote, carried unanimously, 7/0.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to deny the assessment roll for Gateshead Circle 2/3 – 2/3 project and readvertise the public hearing.

- c. Circulated information on the Tired Creek proposed reservoir update and explained that the Governor has approved a \$500,000 environmental research for the project to research its permit status. Commissioner Winchester stated that they may need to agenda this item for discussion since inquiries have not been responded to.
- d. Circulated information and noted that the County Attorney has been researching the clean water act associated with the degradation of Ochlockonee River. Commissioner Winchester asked that this item and the Tired Creek issue be placed on the same agenda under separate agenda items.
- e. Discussed the property assessment of larger tracts of land in the county and pointed out that under many circumstances properties are eligible for development yet the owner does not wish to exercise the development rights for a lengthy period time. Commissioner Winchester stated that in these instances the properties are not being designated as agriculture and thus are not exempt from ad valorem taxes from the county, as well as the city and school board. He advised that he recently met with one major landowner in Leon County, the County Attorney and the Property Appraiser to discuss this issue from a countywide prospective. It was their belief that there could be a methodology for the county to utilize some form of conservation easements for a finite period of time to provide a tax break for the persons holding the property as well as in incentive for the property owners not to develop for a certain period of time.

Commissioner Winchester requested that the County Attorney work with the Property Appraiser to address a conceptual methodology for the Board's further consideration in a few months.

Commissioner Thael remarked that he hoped this could be done in time for the new TRIM Notice next year so those properties would have the benefit of this initiative. He pointed out that on the corresponding side, there are properties that are receiving agricultural exemption who are making steps towards development whom should no longer be getting an exemption and the County is losing valuable property taxes. He asked that this be incorporated in the effort with the Property Appraiser. The Board concurred and the County Attorney advised that a joint report would be brought to the Board.

Commissioner Maloy

Asked when the Blueprint 2000 Water Quality Flooding dollars issue would be brought back to the Board. The County Administrator would attempt to bring it back to the Board on June 24th or July 8th.

Commissioner Sauls

- a. Noted that on March 18 she asked for information about placing regulatory markers in Lake Talquin marking the river channel of the Ochlochonee River and has not received it.
- b. Appointed Daryl Jones to the Enterprise Development Zone Agency.
- c. Advised that a Commissioner from Wakulla County had contacted her about County Line Road, which is a connecting road from Wakulla County to Leon County and there are some right of way issues. This is Wakulla County's number one paving project for the year and they want to know the status of the paving on the Leon County portion of the road.

Commissioner Rackleff

- a. Commended Commissioner Winchester and the County Attorney on their efforts regarding Tired Creek Reservoir and noted that a report would be forthcoming.
- b. Congratulated Commissioner Thael for president elect of the Florida Association of Counties at next week's FAC convention.

Commissioner Proctor

- a. Requested a resolution recognizing championships of Richards Raiders Cheerleader Squad.
- b. Referred to comments made by Commissioner Winchester regarding property assessments of larger tracts of land and wanted to know the economic impact, i.e., what is the threshold (size) for larger tracts. Staff would bring back this information with the agenda item.
- e. Referred to the 700 acres that Commissioner Sauls mentioned a few weeks ago located on the Wakulla and Leon County line. Commissioner Proctor wanted to know the status and if the County would be interested in the property. He also advised that Wakulla County was contemplating an airstrip on the county line

border in connection with development of an industrial park and pointed out that this could also serve Leon County along with the 700 acres. Staff would investigate the issue.

- f. Requested a resolution recognizing the outstanding spirit of the community and patriotism offered by Tom and Barbara Rollins, a private sector who has brought communities together for the Fourth of July Celebration.
- f. Requested a resolution for the retirement celebration of Professor James Eaton who has served 50 years in the educational field.

Commissioner Thaeil

- a. Reported that the longstanding sprayfield buffers dispute was close to being resolved and advised that the City would be voting on the issue tomorrow, June 11, 2003. Commissioner Thaeil requested that the settlement proposal be placed on the agenda at the next Board meeting. (It was noted that if the City does not approve the settlement proposal, the item would not be placed on the County's agenda.)
- b. Requested a resolution for Dr. Sybil Mobley, recognizing her for serving 58 years in the educational and business field.
- c. Offered prayers and thoughts to Commissioner Sauls husband, Marvin, due to his recent surgery.

Chairman Grippa

- a. Offered Prayers to Marvin Sauls, Commissioner Sauls, husband.
- b. Requested a resolution for Zachary Yordon who recently congratulated High School to be presented at the next meeting, June 24, 2003.
- c. Requested retirement resolutions for Broward Wilkes, Jesse Sasser, James Jacobs, Lonnie walsh, and Gail Bass. Some will be presented on June 24 and others on July 8th.
- d. Requested that staff consider the purchase of property located on Meridian Road owned by Eddie Mitchell using the Blueprint 2000 dollars. The property has flooding problems, is wetlands, and is located in the Lake Jackson Lake protection zone. Chairman Grippa stated that Eddie Mitchell has talked about selling and developing it. Commissioner Winchester indicated that it was his understanding that this is part of the headway of Lake Jackson greenway and the Lexington Pond which is supposed to be built on the land next to it. He pointed out that the acquisition costs might be expensive. It was noted that the Canopy Roads Committee would be looking at other sources of funding for this.
- f. Requested that a request for \$2,000 for Babe Ruth be placed on the June 24, 2003 agenda.
- g. Referred to the County's powerline easements in the northeast and asked if this could serve as a greenway since it would require very little money; it connects downtown to Killearn Lakes and goes by three schools. The Chairman stated

that this would be a good connector of neighborhoods since the County has the easements for the entire way.

- h. Requested a report on the Apalachee Mental Health Center since he had received complaints from the hospital and the Sheriff's Department. The report should show the amount that the County funds annually and determine if there are beds available or should the county look elsewhere. Commissioner Proctor advised that he also received feedback on the issue and wanted the report to explain the criteria for determining who gets in the facility.
- i. Advised that the Dick Houser Open Door Center on Capital Medical Court will be closing on July 3 since the School Board cannot provide funding. The Chairman requested that staff determine if there are grants or funding sources that the County can seek to avoid closing.
- j. The Chairman advised that the County is moving homes on Norwood Drive; the County is acquiring a home and moving it but they are cutting a huge path through trees to get directly to Bull Headley Road and people are outraged about it in Killearn Lakes. Chairman Grippa pointed out that he received a letter on May 23, which he has responded to and requested that staff also respond to the letter.
- k. Advised that six months ago a request was made for staff to bring back the status of moving structures rather than destroying them. The Chairman requested that the information be provided and that it include cost comparison
- l. Inquired when the Bradfordville LDRs (land development regulations) would be coming to the Board. David McDevitt, GEM, advised that the Planning Commission consistency review is scheduled tomorrow, June 11, and it would be on the Board's June 24th agenda for the first public hearing. The affected parties have been notified including utility providers who could have a potential impact. Chairman Grippa asked Mr. McDevitt to notify Bradfordville Phipps, Mr. Kearney and property owners on the corner who would be impacted.
- m. Chairman Grippa reported that the "Keep Tallahassee Leon County Beautiful" budget has been cut by the legislature. He asked that the \$15,000 be considered for funding during budget discussions.
- n. Requested clarification of Commissioner Proctor's motion, for the record, regarding agenda item 23 on negotiations of the Bank of America (BOA) management properties contract. The Board clarified that negotiations are for whatever the current contract cost is (\$70,000) plus the CPI (consumer price index) with minority participation; if the criteria is not met then it would be brought back to the Board to go through the RFQ process.

Commissioner Sauls moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0 to adjourn the meeting at 8:58 p.m.

APPROVED: _____
Tony Grippa
Chairman

APPROVED:

Bob Inzer
Clerk of the Circuit Court